

**REMARKS**

In the final rejection Action dated March 9, 2006, the Examiner allowed Claims 12-17 and 20-22, but rejected Claims 1-11 first under §112 second paragraph since Claim 1 recited "said physical parameter" in line 17. Claim 1 has been amended in line 17 solely as a matter of form to overcome this rejection.

Moreover, Claims 1-3 and 5-11 stand rejected under 35 U.S.C. § 103 as unpatentable over Froggat and So et al.

**Claim 1 Now Allowable**

In view of this second rejection, applicant further amended Claim 1 specifically to include the limitations of the final portion of Claim 12 which recites "determining said physical parameter by: detecting peaks in said response signal by applying a threshold level; identifying a full width half maximum of each peak; identifying a centroid of each peak from the full width half maximum; and making a fit to each peak." Claim 12 was allowed, it is understood on the grounds that it recited the above quoted aspects of determining the physical parameter.

Therefore, the identical limitations have been amended into the final clause of Claim 1, thereby rendering Claim 1 allowable for at least the same reason as Claim 12 was allowable.

**Other Claim Amendments as to Form**

Claim 1, lines 10-11 are amended only to improve grammar. Claim 4 is amended to conform to amended Claim 1 only. Hence these amendments are only as to form, and not for reasons of patentability.

Further, this amendment is entitled to entry since it puts the sole independent rejected Claim 1 in condition for allowance by conforming it to allowed Claim 12 in this regard. Therefore,

no further search or further examination is required of Claim 1 and even though the rejection is final, this amendment is entitled to entry by putting Claim 1 in condition for allowance.

Dependent Claims 2-11 are allowable for at least the same reason as the base Claim 1.

Therefore it is respectfully submitted that this case should be passed to issue with the present amendment entered and all pending Claims 1-17 and 20-22 allowed.

If the Examiner contemplates action other than entering this amendment and allowing the case, he is requested first to contact the undersigned at the telephone number given below.

Representation

The undersigned is in the process of becoming attorney of record in this case. If that process is not complete as of the time of filing this paper, this paper is entitled to full consideration as being submitted under Rule 34.

Dated: June 8, 2006

Respectfully submitted,

By 

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